

AN ACT

relating to the authority of a person to sell property without engaging in business as a motor vehicle dealer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 503.024(b) and (d), Transportation Code, are amended to read as follows:

(b) For the purposes of Section 503.021, a person is not engaging in business as a dealer by:

(1) selling or offering to sell, if the sale or offer is not made to avoid a requirement of this chapter, a vehicle the person acquired for personal or business use to:

(A) a person other than a retail buyer if not sold or offered through a licensed auctioneer; or

(B) any person if the sale or offer is made through a licensed auctioneer [~~if the sale or offer is not made to avoid a requirement of this chapter~~];

(2) selling, in a manner provided by law for the forced sale of vehicles, a vehicle in which the person holds a security interest;

(3) acting under a court order as a receiver, trustee, administrator, executor, guardian, or other appointed person;

(4) selling a vehicle the person acquired from the vehicle's owner as a result of paying an insurance claim if the person is an insurance company;

1 (5) selling an antique passenger car or truck that is
2 at least 25 years of age; or

3 (6) selling a special interest vehicle that is at
4 least 12 years of age if the person is a collector.

5 (d) For the purposes of Section 503.021, a licensed
6 auctioneer is not engaging in business as a dealer by, as a bid
7 caller, selling or offering to sell property, including a business
8 that holds the title to any number of vehicles, to the highest
9 bidder at a bona fide auction if:

10 (1) legal or equitable title does not pass to the
11 auctioneer;

12 (2) the auction is not held to avoid a requirement of
13 this chapter; and

14 (3) for an auction of vehicles owned legally or
15 equitably by a person who holds a general distinguishing number,
16 the auction is conducted at the location for which the general
17 distinguishing number was issued.

18 SECTION 2. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 3215 was passed by the House on April 20, 2017, by the following vote: Yeas 144, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3215 on May 26, 2017, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3215 was passed by the Senate, with amendments, on May 24, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor